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Attorney for Defendant
MARK DOUGLAS GILL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

No. 3:14-cr-00275-JO

Plaintiff,

NOTICE OF MOTION AND MOTION
TO SUPPRESS EVIDENCE

v.

MARK DOUGLAS GILL

Defendants.

TO: S. AMANDA MARSHALL, UNITED STATES ATTORNEY, AND LEAH BOLSTAD,
ASSISSTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that at a date to be set by the Court, in the courtroom of the
Honorable Robert E. Jones at the United States Courthouse in Portland, Oregon, Defendant Mark
Douglas Gill, by and through his attorney, will and does hereby move this court for an order
suppressing evidence seized when his residence and person was searched in violation of the
United States Constitution on June 19, 2014. More specifically, Mr. Gill moves to suppress all

evidence seized as a result of the search of his residence, located at 787 Cedar Street, Fairview, Oregon, including but not limited to the property listed in the exhibits (Exhibit “C”) attached to the memorandum of points and authorities which describe the property taken during the searches; including and not limited to alleged methamphetamine, cell phones seized, and the contents of those cell phones. This motion is made pursuant to Federal Rule of Criminal Procedure 12(b)(3)(C). The grounds for the motion will set forth in the a memorandum of points and authorities, to be filed as soon as possible or at a time ordered by the court, and is based on a lack of probable cause for the issuance of the warrant.

This motion is based on the court file, including the Indictment, a memorandum of points and authorities with exhibits, and such further law and evidence as may be presented at time of the hearing. An evidentiary hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978) to determine whether the probable cause section of the search warrant is fatally undermined by the inclusion of material misstatements in and material omissions from the affidavit submitted to the magistrate is hereby requested.

RESPECTFULLY SUBMITTED this 6th day of November 2014.

s/ Robert W. Rainwater
 Robert W. Rainwater
 OSB # 084489
 (971) 271-7566
 Attorney for Defendant
 Mark Douglas Gill